

R. I. STATE BOARD OF ELECTIONS
MINUTES OF MEETING
September 17, 2014

The Rhode Island State Board of Elections convened at 3:34 PM at the Rhode Island Board of Elections, a quorum included, Chairman Richard Pierce, Vice-Chairman William West, and Commissioners Frank Rego, Martin Joyce, Stephen Erickson, Richard DuBois and Rhoda Perry were present. Executive Director Robert Kando and Board legal counsel Raymond Marcaccio were also in attendance.

The meeting was called to order by Chairman Pierce.

First order of business: Commissioner Perry moved to approve the minutes for Board of Elections meeting dated 9/5/14, seconded by Commissioner Rego. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, Richard DuBois and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

Next order of business: Commissioner Rego moved to approve the minutes for Board of Elections meeting dated 9/9/14, seconded by Commissioner DuBois. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, Richard DuBois and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

Next order of business: Commissioner Joyce moved to approve the minutes for Board of Elections meeting dated 9/10/14, seconded by Commissioner Rego. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, Richard DuBois and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

Next order of business: Vice-Chairman West moved to approve the minutes for Board of Elections meeting dated 9/11/14, seconded by Commissioner Joyce. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, Richard DuBois and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

Next order of business: The Board heard a challenge by Republican Party Chairman, Mark Smiley challenging the substitution of Robert J. Healey by the Moderate Party as a candidate for governor replacing James B. Spooner who had filed a withdrawal from the race with the Office of the Secretary of State due to health reasons. Attorney Robert J. Healey entered personally and on behalf of the Moderate Party, over the objection the Rhode Island GOP, represented by Attorney Brandon Bell. Voting to allow Mr. Healey to represent the Moderate Party were Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, Richard DuBois and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

The motion to allow Mr. Healey to interplead was also passed with Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, Richard DuBois and Stephen Erickson voting in the affirmative, with no dissenting votes.

The Board identified three issues: Whether James B. Spooner's withdrawal was conditional or unconditional; did the Moderate Party follow its own procedural steps when it appointed Mr. Healey as its nominee and; was Mr. Healey eligible to be designated as the Moderate Party's candidate.

After hearing argument, and rebuttal from the respective parties, who then responded to questions from the Board, the Board voted as follows: On a motion that Mr. Spooner's withdrawal was unconditional, Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, Richard DuBois and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

On the motion that the Moderate Party followed its own procedural steps to appoint Mr. Healey to fill the vacancy for governor, Chairman Richard Pierce, Vice-Chairman William West, Commissioners Rhoda Perry, and Stephen Erickson voting in the affirmative, with Commissioners Frank Rego, Martin Joyce abstaining and Richard DuBois dissenting, motion passed on a 4-1 vote.

Commissioner Erickson motioned that Mr. Healey was eligible to be designated as a replacement seconded by Commissioner Perry, Chairman Richard Pierce, Vice-Chairman William West, Commissioners, Rhoda Perry, and Stephen Erickson voting in the affirmative, Commissioners Richard DuBois Frank Rego and Martin Joyce abstaining, motion passed 4-0.

Commissioner Richard DuBois left the meeting following the above-noted vote.

The Board heard the motion of Michael D. Zarum candidate for Warwick City Council Ward 4 challenging the primary results. After hearing Commissioner Rego motioned to deny the challenge and certify the results, seconded by Commissioner Joyce. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

The Board heard the motion of Eileen Fuoco, candidate for Johnston Town Council District 1 challenging the primary results. After hearing Commissioner Erickson motioned to deny the request and certify the results, seconded by Commissioner Perry. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

Commissioner Perry voted to certify the results of the September 9, 2014 primary results seconded by Commissioner Joyce. Chairman Richard Pierce, Vice-Chairman William

West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

Bob Rapoza, Director of Elections addressed the Board regarding the request of Dr. Michael Fine, Director of the Department of Health requesting permission to conduct a series of flu vaccination clinics by the Department of Health at polling places in Rhode Island on Election Day. Commissioner Rego voted to deny the request for the forthcoming Election Day, but to get more details for a future request seconded by Commissioner Joyce. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.

At 5:15 PM the Board voted to adjourn the meeting. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego, Martin Joyce, Rhoda Perry, and Stephen Erickson voting in the affirmative, no dissenting votes, and motion passed.